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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,134	01/12/2005	Gijsbrecht Carel Wirtz	NL 020638	6808

24737 7590 09/06/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

NGUYEN, LINH THI

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/521,134	Applicant(s) WIRTZ ET AL.	
	Examiner Linh T. Nguyen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being unpatentable by Park et al (US Publication number 2002/0021635).

In regards to claims 1, 7 and 13, Park et al discloses a digital media recorder, method, and a computer capable of recording digital media sequences on a digital media carrier (Fig. 1), comprising: means for comparing the sub-sequence fingerprint with at least one second reference fingerprint (Paragraph [0035]), said second reference fingerprint being fetched from a secondary database of fingerprints (Paragraph [0036]; "look table"), yielding a second comparison value, means for storing the fingerprint in the secondary database means for extracting, from an input media sequence (Paragraph [0036]), a media sub-sequence, means for calculating a sub-sequence digital fingerprint from the media sub-sequence (Paragraph [0039]), means for comparing the sub-sequence fingerprint with at least one first reference fingerprint (Paragraph [0035]), said first reference fingerprint being fetched from a primary database of fingerprints (Fig. 1 element 114; "table storage"), yielding a first comparison value, means for analyzing the first comparison value (Copy right value), means for recording the input media

sequence on the media carrier (Paragraph [0041]), means for obstructing recording of the input media sequence on the media carrier depending on the first comparison value (Paragraph [0043]), means for updating the primary database with information from the secondary database that the digital media sequence has been recorded on the media carrier (Paragraph [0044] and [0048]).

In regards to claims 2 and 8, Park et al discloses a digital media recorder and method where the primary database of fingerprints includes a copy count number and a copy limit number associated with fingerprints in the list (Paragraph [0039]), where the means for comparing the sub-sequence fingerprint with the first reference fingerprint includes means for comparing the copy count number and the copy limit number and where the means for updating the primary database includes means for updating the copy count number associated with the fingerprint (Paragraph [0048] and [0049]).

In regards to claims 3 and 9, Park et al discloses a recorder and method, being arranged to remove older entries from the primary database in favor of newer entries so as to limit the size of the primary database to a predetermined number (Paragraph [0049]).

In regards to claims 4 and 10, Park et al discloses a recorder and method, where the means for updating the primary database are arranged to operate in dependence on means capable of establishing whether or not the recording of the at least one media

sub-sequence is completed (Paragraph [0051]).

In regards to claims 5 and 11, Park et al discloses a recorder and method, where the obstruction means includes obstructing means capable of at least one of the actions: aborting the recording, reducing the quality of the recording, notifying a user of the obstruction (Paragraph [0043], [0044], and [0046]).

In regards to claims 6 and 12, Park et al discloses a recorder and a method, where the means for extraction of the sub-sequence includes means for extraction during a predetermined time interval (Paragraph [0053] and 0054]; extracting the length of the track verses the speed inherently includes finding the time interval), said time interval having a length determined at least partly by the type of the media sequence (Paragraph [0034]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al in view of Soga et al (US Patent number 5610893).

In regards to claim 14-16, Park et al discloses a method and recorder as in claims 1, 7 and 13 above, wherein the secondary database updates the primary database (Paragraph [0044] and [0048]). However, Park et al does not disclose an ejection of the media carrier in response to the completion of the updates.

Soga et al discloses a method of ejecting the media carrier in response to completion of data transfer to the media carrier (Fig. 8 and 9, S11-19). At the time of the invention it would have been obvious to person of ordinary skill in the art to modify the method of Park et al digital media recorder to eject the media when updates is done as Soga teaches. The motivation would have been to notify the end-users that the update has been successful.

Response to Arguments

Applicant's arguments filed 7/03/06 have been fully considered but they are not persuasive. Applicant argues Park does not discloses "digital media sequence or sub-sequence figureprints" but discloses "a method for protecting disc coping by creating a disc identifier in the form of track numbers and addresses detected from the lead-in area of the disc." However, Park discloses "identifier can comprises track numbers and addresses, and copy permission is determined according to the identifier and data information" (Paragraph [0026]), which can be so call subsequence fingerprints. Address, disk ID, copy protect and etc. can be distinguish as a subsequence fingerprints, therefore, meets the limitation of the claim. Applicant also argues Park does not discloses two databases, however, the" table storage "114 is consider to be

the first primary database and the "lookup table" is the secondary database (Paragraph [0035] and [0036]). Therefore, claims 1, 7 and other independent claims having similar limitations are not patentable in view of Park.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
August 31, 2006


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER